

USPTO  
PATENTS ACCOUNTING  
DIVISION  
2012 FEB -1 AM 8:54

Tuesday, January 31, 2012

Mail Stop PETITIONS  
Commissioner for Patents  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Sir,

I have a patent entitled "Lift Generation by Counter-Rotating Line Vortices," Its Patent Number is: 5954295.

It was with interest that read a letter from the Patent Office stating that my petition to accept delayed payment of the maintenance fee was "**dismissed.**" I never submitted a petition for that purpose. It appears that I am being confused with someone else. And I am not submitting one now.

I am paying the surcharge and whatever is left of any other fees due. As I agreed with the USPTO finance department associated attorney.

When I sent in my 3<sup>rd</sup> maintenance fee of \$2055 for my patent I also sent along a \$50 payment on a \$1640. promissory note that I hand included with the paper work for the maintenance fee. That \$50 dollars is still in the USPTO's possession.

That was not a petition to the USPTO to accept delayed payment of maintenance fees. It was a delayed payment on the maintenance fee.

On January 27, 2012 at about 12:30 PM I talked to an attorney associated with the Patent Office's Finance Group to discuss the amount of money that I need to remit to the Patent and Trademark Office to take care of the \$1640. surcharge on the 11 ½ or 12 year maintenance fee on my patent.

The ultimate resolution of the issue that was arrived at was this:

Eleven and Half Year Fee	\$ 2350.00
Surcharge Fee	\$ 1640.00
Total Demanded Fee	\$ 4005.00

Minus	
Already Remitted Fees	\$ 2105.00

Remaining Fees due	\$ 1900.00
--------------------	------------

02/06/2012 DALLEN 00000009 5954295

01 FC:1599

1900.00 0P



The maintenance fee was sent by USPS Express Mail at 4:47 PM on September 25, 2011 using USPS Express Mail tracking form number: EG 961014881 US. That was 1 day before the surcharge fee of \$1640 and the maintenance fee was set to rise from \$2055. to \$2350.

"An inch is as good as a mile" as the saying goes. That is especially true when using the USPS's Express Mail service.

Since the fee and the paper work was sent to the Director of the USPS using Express Mail the effective filing of the paper work was September 25, 2011, and the maintenance fee on my patent of \$2055 was locked in as was the surcharge fee at \$1640.

With regard to my response to the patent revival demand letter I am remitting the balance of the \$4005. fee that was demanded for the revival. That balance is \$1900 as stated above and thus retiring the shortage claimed in the attached copy of the letter that was sent by the USPS.

The attorney that I talked to on September 27, 2012 told me that \$1900 was the fee needed for revival of the patent and that is what I have remitted.

I would point out also that \$2350 is not applicable because the maintenance fee was remitted while the fees was yet \$2055.

If the issue of timeliness of the maintenance fee arises, one needs only inquire of the US government as to its schedule of its remittance to me. That money paid to me by the government that ended up getting to me one day too late for timely remittance. No fancy lawyers are needed to ascertain the source of the funds and the date that they were dispersed.

Another point is this: I paid the surcharge fee to the USPS when it was yet \$65 dollars. It apparently kicked it back apparently in the hopes that it might get a larger fee later.

What counts with regards to the fees paid is the dates when they were paid and when the paperwork was filed. Rejecting the surcharge because at the time it just wasn't yet large enough to suit the "back room" isn't a good enough reason for rejecting it.

Regards,

Virgil Olson  
Inventor

Patent Number 5954295

2

The Express Main web arrival notice.



## Track & Confirm

**You entered: EG961014881US**

**Status: Delivered**

**Your item was delivered at 11:40 am on September 27, 2011 in ALEXANDRIA, VA 22314. The item was signed for by S PHUMMEL. Additional information for this item is stored in files offline.**

Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

☐ I would like to receive notification on this request

**Restore**

### Check Again

What's your label (or receipt) number?

[Go to full-page version »](#)

**Find**

3



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

VIRGIL DALE OLSON  
PO BOX 1006  
CAMPBELL CA 95009-1006

MAILED

DEC 01 2011

OFFICE OF PETITIONS

In re Patent No. 5,954,295  
Issued: September 21, 1999  
Application No. 09/024,749  
Filed: February 17, 1998  
Attorney Docket No. none

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed September 25, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks items (2) and (3) listed above.

With regards to items (2) and (3), petitioner has submitted \$2,105.00 towards the required \$2,365.00 small entity eleven and a half year maintenance fee and required \$1,640.00 surcharge, thus creating a shortage of \$1,900.00. Therefore, as stated above a \$400.00 petition fee is also required for any petition for reconsideration, bringing the total to \$2300.00. Additionally, it should be noted that the new fee schedule became effective September 26, 2011.

(4)

571-272-6500  
1-202-788-615

If this petition is not renewed or if renewed and not granted, then petitioner may request a refund of the maintenance and surcharge fees paid. The fee for requesting reconsideration is not refundable.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571)-272-7751.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

With regard to the response  
patent renewal portion. I am sending  
\$1,900  
\$11,900 balance on  
the maintenance  
fee & surcharge. 23654.640 - 2105  
2105  
5



EG 961014881 US

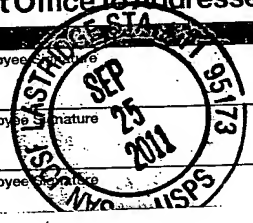


**EXPRESS MAIL**  
UNITED STATES POSTAL SERVICE®

**Customer Copy**  
Label 11-B, March 2004

**Post Office To Addressee**

ORIGIN (POSTAL SERVICE USE ONLY)			DELIVERY (POSTAL USE ONLY)		
PO ZIP Code <b>95173</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> 2nd Del. Day	Postage <b>\$ 18.30</b>	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee
Date Accepted <b>9-25-11</b>	Scheduled Date of Delivery <b>9-27</b>	Return Receipt Fee	Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
			Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature



**Eastridge Finance Unit**  
San Jose, California  
951221412  
0568370051 -0096  
(800) 275-8777 04:47:24 PM

Sales Receipt		Final Price	
Description	Qty	Price	
Dom. Money Order 19302835465		\$855.00	
Domestic Money Order Fee		\$1.55	
<b>Subtotal:</b>		<b>\$856.55</b>	
Dom. Money Order 19302835476		\$50.00	
Domestic Money Order Fee		\$1.10	
<b>Subtotal:</b>		<b>\$51.10</b>	
		<b>\$907.65</b>	

**Total:** \$907.65  
**Paid by:** Cash  
**Change Due:** \$920.00 - \$12.35

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clickship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

\*\*\*\*\*  
 Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.  
 \*\*\*\*\*

Bill #: 1000406662873  
 Clerk: 08

All sales final on stamps and postage  
 Refunds for guaranteed services only  
 Thank you for your business  
 \*\*\*\*\*  
 HELP US SERVE YOU BETTER  
 \*\*\*\*\*

Go to: <https://postalexperience.com/Pos>  
 TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

Year, Mo

2011-09-25

PLEASE

2314

855.00

Clerk

0008

KEEP THIS RECEIPT FOR YOUR RECORDS



EG 961014881 US

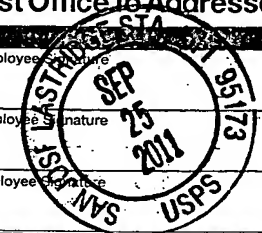
Customer Copy  
Label 11-B, March 2002

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)		
PO ZIP Code 95173	Day of Delivery <input checked="" type="checkbox"/> Next <input checked="" type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$ 18.30
Date Accepted 9-25-11	Scheduled Date of Delivery Month 9 Day 27	Return Receipt Fee \$
Mo. Day Year 5-13 PM	Scheduled Time of Delivery <input type="checkbox"/> Noon <input checked="" type="checkbox"/> PM	COD Fee \$
Time Accepted <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Insurance Fee \$
Flat Rate <input type="checkbox"/> or Weight 0.3 lbs. 3 ozs.	Int'l Alpha Country Code	Total Postage & Fees \$ 18.30
		Acceptance Emp. Initials C

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	



CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if customer requests waiver of signature.
Federal Agency Acct. No. or Postal Service Acct. No.	I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Mailer Signature	

FROM: (PLEASE PRINT) PHONE (408) 401-4561  
Virgil Olson  
P.O. Box 664  
Campbell CA 95009

TO: (PLEASE PRINT) PHONE  
DIRECTOR of United States  
Patent and Trademark Office  
ATTN: MAINTENANCE FEE  
2051 JAMESON AVE SUITE 300  
ALEXANDRIA, VA  
ZIP+4 U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)  
2 2 3 1 4 +  
FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.



⑦